IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

LA.App..No. 1436 of 2005()

(LAR 244/98 OF SUB COURT, THIRUVANANTHAPURAM)

APPELLANT: APPLICANT/RESPONDENT

STATE OF KERALA,
REPRESENTED BY THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM.

BY GOVT.PLEADER SRI.K.V.MANOJKUMAR.

RESPONDENTS: CLAIMANT

S.BINDU, PANKAJAMANDIRAM,
NEDUMOM, KOVALAM.P.O, THIRUVANANTHAPURAM.

BY ADV. SRI.M.H.JOHN DAVID

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 16/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.No.1436 of 2005

Dated 16th November, 2007.

J U D G M E N T

Kurian Joseph, J.

C.M.Appln.No.1934/05 : Delay condoned.

This is an appeal against the judgment and decree in LAR 244/98 on the file of the Sub Court, Thiruvananthapuram. The acquisition is for the purpose of Kovalam bye-pass. The Land Acquisition Officer awarded land value at the rate of Rs.63,121/- per Are and the reference court fixed the value at Rs.75,745/- per Are. Though the claimant attempted to place reliance on Exts.A1 and A2, the reference court rightly found that the property is not similar and comparable. However, taking note of the potentiality of the acquired land, a nominal enhancement to the tune of 20% alone was given, which in the facts and circumstances of the case is only just and proper. Therefore, we do not find any merit in the appeal. It is accordingly dismissed.

I.A.3892/05 : Dismissed.

KURIAN JOSEPH, JUDGE.

HARUN-UL-RASHID, JUDGE.

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